

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

INFERNAL TECHNOLOGY, LLC and
TERMINAL REALITY, INC.,

Plaintiffs,

v.

SONY INTERACTIVE ENTERTAINMENT
LLC,

Defendant.

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Case No. 2:19-cv-248-JRG-RSP

JOINT REPRESENTATIVE PRODUCT STIPULATION OF THE PARTIES

Plaintiffs Infernal Technology, LLC (“Infernal”) and Terminal Reality, Inc. (“Terminal Reality”) (Infernal and Terminal Reality are collectively referred to as the “Plaintiffs”) and Defendant Sony Interactive Entertainment LLC (“Defendant” or “SIE”) hereby stipulate as follows:

1. The Parties hereby agree to treat the Accused Game, *Spider-Man* (PS4), as representative of *Ratchet and Clank* (PS4) such that *Ratchet and Clank* (PS4) is the same Accused Instrumentality as *Spider-Man* (PS4) for the purposes of this litigation.

2. The Parties hereby agree that the evidence produced to support Plaintiffs contention of Patent Infringement and Defendant’s contention of non-infringement for Accused Game: *Spider-Man* will be treated the same for the Accused Game: *Ratchet and Clank*.

3. In the event Plaintiffs prove that the accused *Spider-Man* game infringes either of both the asserted ’822 or ’488 Patents, SIE agrees to stipulate that *Ratchet and Clank* also infringes the asserted ’822 and/or ’488 Patents.

4. In the event Plaintiffs fail to prove that the accused *Spider-Man* game infringes either of both the asserted '822 or '488 Patents, Plaintiffs agrees to correspondingly stipulate that *Ratchet and Clank* also does not infringe the asserted '822 and/or '488 Patents.

5. SIE will treat the source code based, Amended Infringement Contentions for *Spider-Man*, served on February 18, 2020, as the Amended Infringement Contentions for *Ratchet and Clank*.¹

6. The Parties hereby agree to only seek depositions and call witnesses at trial for *Spider-Man* and not *Ratchet and Clank*.²

A proposed order setting forth the foregoing is attached.

¹ The Parties have agreed that, in view of this stipulation, Plaintiffs do not need to serve source code based Amended Infringement Contentions for *Ratchet and Clank* and *Ratchet and Clank* remains a properly Accused Game under the Discovery Order.

² The Parties are allowed to present evidence regarding the game engine or relevant documents involving lighting and shadows for either *Spider-Man* or *Ratchet and Clank* for the purposes of Expert Reports and Trial. However, only the source code for *Spider-Man* shall be used (and not also the source code for *Ratchet and Clank*) for the purposes of Expert Reports and Trial.

Dated: July 21, 2020

/s/ Michael C. Pomeroy

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on July 21, 2020. As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Michael C. Pomeroy
Michael C. Pomeroy